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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

FILED

APR 17 2009

April 6, 2009

**SURFACE
TRANSPORTATION BOARD**

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 East Street, SW
Washington, DC 20423

224901



Dear Ms. Quinlan

SUBJECT Central Michigan Railway Company - Abandonment Exemption - in
Kent County, Michigan, STB Docket No. AB-308 (Sub-No. 4X)

This request is filed on behalf of the Michigan Department of Natural Resources, which is a government agency interested in recreation and natural resources, hereinafter referred to as "proponent."

Proponent requests issuance of an Interim Trail Use Condition rather than an outright abandonment authorization on the three interconnected segments of rail line contained in Central Michigan Railway Company's verified notice of exemption. (1) a line (segment A) extending from milepost 157.96 (at the switch connection with the east-west aligned tracks of the Mid-Michigan Railroad, Inc. (MMR) near the intersection of Taylor Avenue and Quimby Street) through valuation map marker 9+87.2 (the location of the south wye, or Press Track, switch adjacent to Monroe Avenue) and continuing to the end of the track at a point immediately north of Michigan Street/Bridge Street, (2) a line (segment B) extending from valuation map marker 3+00 (at a switch connection with a line of MMR immediately at the east end of the MMR bridge spanning the Grand River) to a connection with Segment A at valuation map marker 9+87.2 (at the south wye switch); and (3) a line (segment C) extending from valuation map marker 0+00 (at a point of connection with the east-west aligned MMR line immediately to the east of the MMR line's bridge spanning the Grand River) due northward to valuation map marker 11+15.0 (approximately 250 feet south of Ann Street), in Grand Rapids, Kent County, Michigan.

Request For Interim Trail Use

TIME IS WAIVED

The railroad right-of-way in this proceeding is suitable for railbanking.

ENTERED
Office of Proceedings

APR 17 2009

NATURAL RESOURCES COMMISSION

Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • J. R. Richardson • Frank Wheatlake

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Justification for this condition is The corridor would make an excellent recreational trail and provides an extension of a rail corridor already developed for trail use by the City of Grand Rapids, Michigan

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY


In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U S C §1247(d), and 49 CFR §1152.29, the proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Central Michigan Railway Company.

The property extends a distance of 1.75 miles in Kent County, Michigan. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-308 (Sub-No. 4X).

A map depicting the right-of-way is attached. Proponent acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Central Michigan Railway Company, c/o William A. Mullins, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037, by U S Mail, postage pre-paid, first class, this 6th day of April, 2009.

Sincerely,



James Radabaugh, State Trails Coordinator
Michigan Department of Natural Resources
Forest, Mineral and Fire Management
517-373-1276

Enclosure

cc Mr William A Mullins
Baker & Miller, PLLC
Mr James P Pitz
Straits Corporation
Mr David Freed, DNR
Mr Roger Storm, DNR